

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Esme Trontz	Team: Squad #2	CCRB Case #: 201908277	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 09/19/2019 6:00 AM	Location of Incident: [REDACTED]	Precinct: 84	18 Mo. SOL 3/19/2021	EO SOL 11/3/2021	
Date/Time CV Reported Thu, 09/19/2019 10:46 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 09/19/2019 10:46 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. An officer			NARCBBN
2. Officers			NARCBBN
3. DT3 Rene Castellano	2601	946836	NARCBBN
4. DT3 Michael Seiger	5718	952225	NARCBBN
5. DT3 Elvisa Bektsevic	5180	953674	NARCBBN
6. DT3 Nicholas Kowatch	01299	951884	NARCBBX

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Ramon Rodriguez	273	949563	NARCBBN
2. CPT Benjamin Lee	00000	932887	NARCBBN
3. LT Roman Israilov	00000	932816	NARCBBN
4. SGT Jason Deonarinesingh	02037	936469	084 DET
5. DT3 Jamar Goddard	00692	948033	NARCBBN
6. DT3 Thomas Chiusano	4479	950205	NARCBBN
7. DT3 James Seder	1524	947479	NARCBBN
8. DT3 Kelvin Peralta	1514	940561	069 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Michael Seiger	Abuse: Detective Michael Seiger interfered with § 87(2)(b)'s use of a recording device.	[REDACTED]
B.DT3 Rene Castellano	Abuse: Detective Rene Castellano entered § 87(2)(b) in Brooklyn.	[REDACTED]
C.DT3 Rene Castellano	Abuse: Detective Rene Castellano searched § 87(2)(b) in Brooklyn.	[REDACTED]
D.DT3 Nicholas Kowatch	Force: Detective Nicholas Kowatch struck § 87(2)(b) with a police shield.	[REDACTED]
E.DT3 Elvisa Bektsevic	Force: Detective Elvisa Bektsevic used physical force against § 87(2)(b)	[REDACTED]
F. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
G. An officer	Abuse: An officer refused to show the search warrant to § 87(2)(b)	
H.DT3 Elvisa Bektesevic	Discourtesy: Detective Elvisa Bektesevic spoke discourteously to § 87(2)(b)	
I. Officers	Abuse: Officers searched § 87(2)(b)'s recording device.	
J. Officers	Abuse: Officers deleted information on § 87(2)(b)'s electronic device.	
K. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
L. An officer	Abuse: An officer threatened to damage/seize § 87(2)(b)'s property.	

Case Summary

§ 87(2)(b) filed this complaint with the CCRB via telephone on September 19, 2019.

On September 19, 2019, at 6:00 a.m., 30 officers from Brooklyn North Narcotics executed search warrants at three apartments in § 87(2)(b) in Brooklyn, in the confines of the 84th Precinct. Detective Rene Castellano of Brooklyn North Narcotics obtained the search warrants for the apartments, including § 87(2)(b) where § 87(2)(b) and her children § 87(2)(b) and § 87(2)(b) resided. Detectives Ramon Rodriguez, James Seder, Nicholas Kowatch, Thomas Chiusano, Michael Seiger, and Elvisa Bektesevic, among other officers from Brooklyn North Narcotics were assigned to execute the warrant in § 87(2)(b).

While Detective Chiusano used a hydraulic tool to open the front door of § 87(2)(b) Detective Seiger covered the “Ring” doorbell camera on the door (**Allegation A: Abuse of Authority- Interference with Recording**, § 87(2)(g)). § 87(2)(b) was allegedly standing outside her bathroom facing the front door when officers entered, and eventually searched, the apartment (**Allegations B and C: Abuse of Authority- Entry of Premises and Abuse of Authority- Search of Premises**, § 87(2)(g)). Detective Kowatch allegedly used his shield to push § 87(2)(b) and she fell into a seated position on the ground (**Allegation D: Force- Police Shield**, § 87(2)(g)). Seconds later, Detective Bektesevic allegedly pushed § 87(2)(b) s back with an open hand onto the floor and handcuffed her (**Allegation E: Force- Physical Force**, § 87(2)(g)). § 87(2)(b) asked an unidentified white male officer to see a copy of the search warrant, and the officer allegedly showed her a piece of paper from approximately ten steps away. § 87(2)(b) allegedly asked the officer if she could put in her contact lenses because she couldn’t see the paper, and the officer allegedly said, “Why the fuck you wanna see it?” (**Allegation F: Discourtesy-Word**, § 87(2)(g)). § 87(2)(b) allegedly stated again that she could not see the warrant, and the officer said, “I don’t need to show you a fucking goddamn thing,” and, “That ain’t my fucking problem.” (**within Allegation F; and Allegation G: Abuse of Authority- Refusal to Show Search Warrant**, § 87(2)(g)). Detective Bektesevic allegedly said, “Shut up,” and, “You need to calm your attitude” to § 87(2)(b). When § 87(2)(b) replied that she did not need to “shut up” because the officers were in her apartment, Detective Bektesevic allegedly said, “You don’t fucking run the show. We run the show,” and told § 87(2)(b) to “watch [her] fucking mouth” (**Allegation H: Discourtesy-Word**, § 87(2)(g)).

§ 87(2)(b) alleged that later, officers whom she could not see from where she was seated, spoke about an audio recording device in her bedroom. § 87(2)(b) said the device was recording, to which an officer responded, “Shut the fuck up” (**Allegation I: Discourtesy- Word**, § 87(2)(g)). After the officers left, she noticed that about two days’ worth of data had been deleted from her recording device (**Allegation J, K: Abuse of Authority- Search of Recording Device and Abuse of Authority: Electronic Device Information Deletion**, § 87(2)(g)). The same unidentified officer who allegedly refused to show § 87(2)(b) the search warrant said they found heroin in the apartment, and § 87(2)(b) asked to see the drugs, to which the officer allegedly said, “I don’t need to show you a fucking goddamn thing (**within Allegation F**). He also told § 87(2)(b) he “should slash her sofas” (**Allegation L: Abuse of Authority- Threat to Damage/Seize Property**, § 87(2)(g)). § 87(2)(b) said she would sue the officers. The unidentified officer allegedly replied, “Get the fuck out of here, boo hoo hoo.” § 87(2)(b) told the officer he was an asshole, and he allegedly responded that he was “proud to be an asshole” (**within Allegation F**). § 87(2)(b) s son, § 87(2)(b) was arrested during this incident and was charged with § 87(2)(b).

Surveillance videos from the elevator lobby of § 87(2)(b) and from § 87(2)(b)'s "Ring" doorbell camera were obtained for this incident, which are attached in IAs #87 and #23, respectively (Board Review #01, #02). The videos are summarized in IAs #97 and #28 (Board Review #03, #04).

Findings and Recommendations

Allegation A: Abuse of Authority: Detective Michael Seiger Interfered with § 87(2)(b)'s Use of a Recording Device.

§ 87(2)(b) provided a telephone statement on September 19, 2019 (Board Review #05). She was interviewed at the CCRB on September 20, 2019. She participated in a photo viewing on January 29, 2020 (Board Review #14, #15). Detective Bektesevic was interviewed at the CCRB on November 19, 2019. Detective Seiger was interviewed on November 27, 2019. Detective Rodriguez was interviewed on December 10, 2019. Detective Chiusano was interviewed on December 13, 2019. Detective Castellano was interviewed on January 2, 2020. Detective Kowatch was interviewed on January 14, 2020. Detective Seder was interviewed on February 21, 2020.

It is undisputed that just before and while Detective Chiusano used a hydraulic tool to break open the front door of § 87(2)(b) Detective Seiger covered the "Ring" doorbell camera on the door.

Detective Castellano obtained search warrant #§ 87(2)(b), which was signed by § 87(2)(b) of Kings County Criminal Court on § 87(2)(b) (Board Review #06). This warrant authorized the search of § 87(2)(b) for heroin, glassines, and other narcotics paraphernalia, without prior notice of authority or purpose, between 6:00 a.m. and 9:00 a.m. within 10 days of the date of issuance.

Detective Seiger stated that he covered the camera both for the officers' safety and to protect the lens of the camera from damage while the hydraulic tool and ram were used to open the door. According to Detective Seiger, the knowledge of the officers' presence could have caused the inhabitants of the apartment to dispose of evidence, to create an ambush inside the apartment, or to "fortify" themselves into a bedroom.

According to Patrol Guide Procedure 203-29, a civilian's "right to observe and/or record police action can be limited for reasons such as the safety of officers or other members of the public, or when a violation of law is committed by the individual(s) who are observing/videotaping" (Board Review #07).

§ 87(2)(g)
[REDACTED]

Allegation B: Abuse of Authority: Detective Rene Castellano Entered

§ 87(2)(b) in Brooklyn.

Allegation C: Abuse of Authority: Detective Rene Castellano Searched

§ 87(2)(b) in Brooklyn.

It is undisputed that at approximately 6:00 a.m. on September 19, 2019, officers entered and searched § 87(2)(b)'s apartment at § 87(2)(b) in Brooklyn.

As stated previously, the warrant authorized a no-knock search warrant at § 87(2)(b) between 6:00 a.m. and 9:00 a.m. within 10 days of § 87(2)(b) (Board Review #06).

§ 87(2)(g)

Allegation D: Force: Detective Nicholas Kowatch Struck § 87(2)(b) with a Police Shield.

§ 87(2)(b) testified that she was standing at the end of the hallway leading to her front door when she first saw officers running into her apartment. The first officer she saw was a white male wearing a helmet and a shield that covered his entire torso. This officer ran at § 87(2)(b) and used his shield to push her on the front of her body onto the floor and she fell on her butt.

According to the tactical plan for the search warrant, the only two officers that were equipped with shields were Detective Rodriguez and Detective Kowatch, who were assigned as Bunker 1 and Bunker 2, respectively (Board Review #08). According to their MOS photos, Detective Rodriguez is a Hispanic male, while Detective Kowatch is a white male (Board Review #09, #10). Therefore, the investigation identified Detective Kowatch as the subject officer.

Detective Kowatch denied ever using his shield physically against any civilians. No other officer saw an officer contact § 87(2)(b) with a police shield, including Detective Seder, who testified that he first encountered § 87(2)(b) in bed with her daughter, rather than standing up in her hallway.

§ 87(2)(g)

Allegation E: Force: Detective Elvira Bektesevic Used Physical Force Against § 87(2)(b).

Allegation H: Discourtesy: Detective Elvira Bektesevic Spoke Discourteously to § 87(2)(b).

§ 87(2)(b) alleged that a few seconds after she was pushed onto the floor with a shield, Detective Bektesevic pushed on her back with an open hand onto the floor and handcuffed her. Later, Detective Bektesevic said to § 87(2)(b) "Shut up," and "You need to calm your attitude." § 87(2)(b) said she didn't need to shut up because the officers were in her apartment. Detective Bektesevic said, "You don't fucking run the show. We run the show," and told § 87(2)(b) to "Watch her fucking mouth."

Detective Bektesevic denied using any force against § 87(2)(b). She did not believe she said to § 87(2)(b) “Shut up, you need to calm your attitude,” “You don’t fucking run the show, we run the show,” or “Watch your fucking mouth” at any point. Detective Bektesevic did not believe she said “fuck” to § 87(2)(b) at any point. No other officer heard Detective Bektesevic make these statements. Every other officer either could not recall or did not see Detective Bektesevic use force against any civilian.

§ 87(2)(g)

Allegation F: Discourtesy: An officer Spoke Discourteously to § 87(2)(b)

Allegation G: Abuse of Authority: An officer Refused to Show the Search Warrant to § 87(2)(b)

Allegation L: Abuse of Authority: An officer Threatened to Damage/Seize § 87(2)(b)s Property.

§ 87(2)(b) testified that she asked an approximately 5’7” tall white male in his 30s or 40s, with possibly dirty blonde hair, and wearing jeans and a black and white jacket to see the search warrant. The officer showed § 87(2)(b) a piece of paper approximately ten steps away from her face, and § 87(2)(b) asked if she could put her contacts in because she couldn’t see the warrant. The officer said, “Why the fuck you wanna see it?” § 87(2)(b) said she had a right to see the warrant. The officer said, “I don’t need to show you a fucking goddamn thing.” The officer pointed to the paper and said the warrant was for her apartment, and § 87(2)(b) repeated that she couldn’t see the warrant, to which the officer responded, “That ain’t my fucking problem.” At approximately 8:45 a.m., nearly three hours after the officers first entered, the same officer said they found heroin in the apartment. § 87(2)(b) asked to see the drugs, to which the officer responded, “I don’t need to show you a fucking goddamn thing.” Later, the officer told § 87(2)(b) he “should slash her sofas.” § 87(2)(b) said she would sue the officers. The officer said it wasn’t the first time he heard that, and said, “Get the fuck out of here, boo hoo hoo.” § 87(2)(b) told the officer he was an asshole, and he responded that he was “proud to be an asshole.”

During the photo viewing, § 87(2)(b) said that both Detective Chiusano and Detective Seder looked similar to the subject officer of these allegations, but that she was unable to determine which one of the two was the officer who committed these allegations (Board Review #14, #15).

According to their MOS photos, at the time of the incident, Detective Seder was a 5’9” tall, § 87(2)(b)-year-old white male with brown hair, and Detective Chiusano was a 5’11” tall, § 87(2)(b)-year-old white male with brown hair (Board Review #10, #11).

No officer heard or could remember hearing § 87(2)(b) argue with an officer about seeing the warrant, during which the officer cursed at her and refused to show her the warrant. No officer heard any other officer threatening to slash § 87(2)(b)s sofas.

Detective Chiusano testified that once the other officers entered, he stayed in the entryway and turned around to face the hallway. He did not go further inside the apartment. He could not recall how long he stayed at the apartment but he denied having any one-on-one encounters with any civilians.

Detective Seder was assigned as Detective Rodriguez's bunker security. He testified that immediately upon entering the apartment, he followed Detective Rodriguez straight to a bedroom, where § 87(2)(b) and her daughter were lying in bed. Either he or Detective Rodriguez said there was a search warrant, but § 87(2)(b) did not ask Detective Seder further about the search warrant at any point. He denied refusing to show the search warrant to any civilian. He denied using the word "fuck" toward any civilian and denied threatening to "slash § 87(2)(b)'s sofas." Detective Seder left the apartment after approximately 10 to 15 minutes.

§ 87(2)(b) was certain that either Detective Chiusano or Detective Seder cursed at her and refused to show her the search warrant early in the incident, and threatened to "slash her sofas" several hours later but she could not definitively identify either of them as the subject. Both officers denied taking any of these actions and no officer testified to having seen or heard either of them do so. § 87(2)(g)

Allegation I: Abuse of Authority: Officers Searched § 87(2)(b)'s Recording Device.

Allegation J: Abuse of Authority: Officers Deleted Information on § 87(2)(b)'s Electronic Device.

Allegation K: Discourtesy: An officer Spoke Discourteously to § 87(2)(b)

§ 87(2)(b) alleged that several hours after officers first entered, she heard but could not see officers talking in the hallway inside her apartment. An officer said § 87(2)(b) had a recorder in her bedroom, and § 87(2)(b) said from the living room that it was recording. An officer told § 87(2)(b) to "shut the fuck up." § 87(2)(b) discovered later that approximately two days' worth of recordings had been deleted from this audio recorder.

Every officer was either unaware of or could not remember seeing or discussing a recording device in § 87(2)(b)'s bedroom.

§ 87(2)(g)

Allegations Not Pleaded

§ 87(2)(b) testified that her son § 87(2)(b) told her that while in his bedroom with officers, an officer told him he had to admit if there were drugs in the apartment because his sister could go to ACS. § 87(2)(b) did not hear this statement as she was in the living room at the time the statement was allegedly made. § 87(2)(b) did not respond to the CCRB's contact attempts to obtain a statement from him.

Because no statement was obtained from § 87(2)(b) who § 87(2)(b) alleged was the victim of and only witness to the statement about ACS, no threat to notify ACS allegation was pleaded.

Civilian and Officer CCRB Histories

- § 87(2)(b)

